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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,439	11/29/2000	Harold Rhea McKee	PU000142	9498

7590 05/21/2003

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EXAMINER

GRANT II, JEROME

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 05/21/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/725,439

Applicant(s)

MCKEE ET AL.

Examiner

Jerome Grant II

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 9-19 is/are allowed.
- 6) ☒ Claim(s) 1,20 and 21 is/are rejected.
- 7) ☒ Claim(s) 2-8 and 22 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

JEROME GRANT II  
PRIMARY EXAMINER

1.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Jagger.

Jagger teaches an apparatus (100), comprising: an input circuit, video tape recorder 50, for receiving a video signal indicative of playback of a first recorded medium (TV receiver 60); a detection circuit (one shot multivibrator 106) for detecting a horizontal synch. signal, see col. 2, lines 57-61; and a controlling circuit for pausing between monochromatic broadcasts/TV programs where color commercials and intermittent color broadcasts are transmitted between monochromatic TV programs. The controlling circuit for performing the controlled pause is NAND Gate 115 coupled to relay 130 and switch 55. See col. 3, lines 1-10.

2.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by O'Brien.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

O'Brien teaches an input circuit (amplifier 1 shown by figure 1) for receiving video signals of playback of 1<sup>st</sup> recorded medium (video signals 29); horizontal separator 2 for detecting the horizontal sync signal from the video signal, see figure 1; and control circuit (elements 11, 17, 18, 19 and 23) according to page 8, lines 10-30.

3.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20 and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Hanpachern.

Hanpachern teaches a method for controlling a recording device 12, comprising the steps of: evaluating synch. components (synch signal eliminator 14 that eliminates a synch signal that it has detected) – synch data containing acceptable video data and acceptable audio data from a TV receiver 10; enabling the recording device 12 to record the received video in response to a positive evaluation of the synch

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components – this occurs when the synch. signal is found and replaced with a composite signal of the video and audio signals. When the composite signal is missing, via the missing detector circuit 16, this triggers a one shot multi-vibrator 18 to cause a control pulse to be sent to a remote pause control circuit that causes the recording device to enter a pause mode in response to a negative evaluation of a missing synch component that had been detected and replaced with a composite video and audio signal.

With regard to claim 21, Hanpachern teaches a synchronizing signal eliminator 14 which separates the synch signal from the video signal in that the synch signal is removed and the composite of the video and audio data is obtained.

4.

#### Claims Objected

Claims 2- 8 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5.

#### Claims Allowed

Claims 9-19 are allowed for the reason the prior art does not teach or suggest in claimed combination, "... a second video playback device responsive to said signal for selectively recording playback of said video on a second medium with pauses in said recording during at least one of an absence of video and playback of unacceptable video by said first video playback device."

6.


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art references, which are disclosed on the PTO 892, show the prior art teachings of video recorders and pausing to avoid recording of commercials or non-program information.

7.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerome Grant II whose telephone number is 703-305-4391. The examiner can normally be reached on Mon.-Fri. from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore, can be reached on (703) 308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

  
JEROME GRANT II  
PRIMARY EXAMINER  
J. Grant II

May 16, 2003